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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/532,327

06/01/2005

Douglas Rawson-Harris

P/4732-2

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2352 7590 10/10/2007
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EXAMINER

FIGUEROA, ADRIANA

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

10/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/532,327 | Applicant(s) RAWSON-HARRIS, DOUGLAS | |
| | Examiner Adriana Figueroa | Art Unit 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "at least one of said items" in line 5, which refers to a plurality of items. It is unclear if this is the previously presented limitation "at least one item" in line 2 or it is a new limitation.

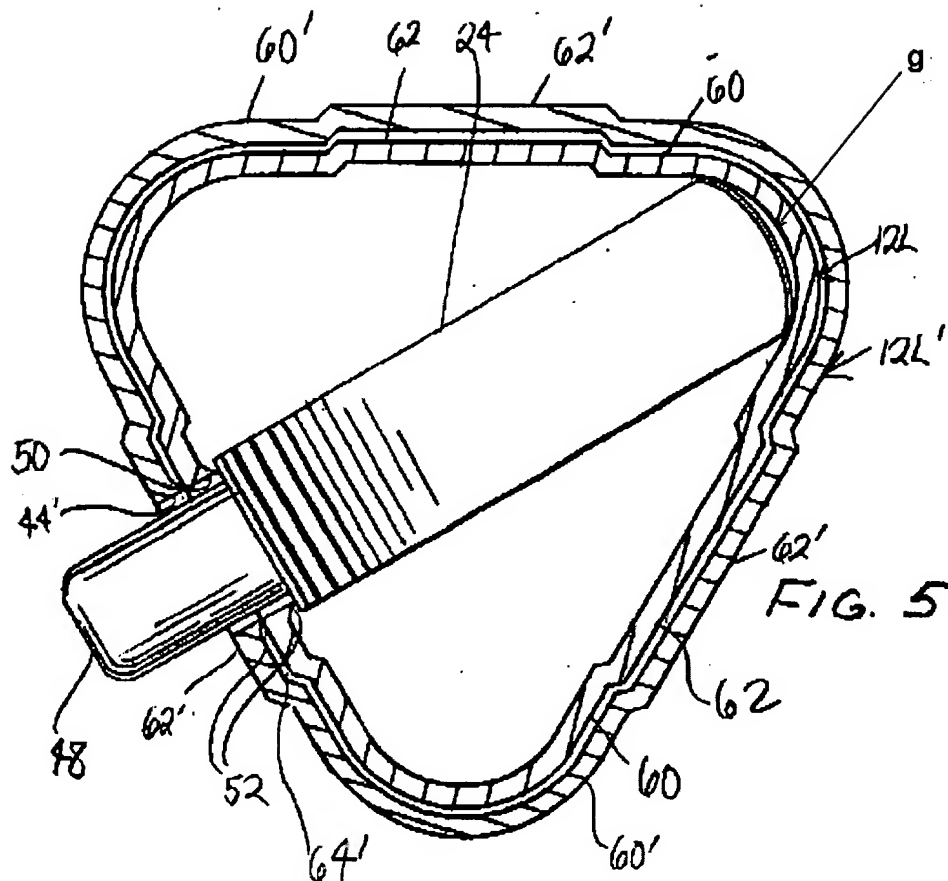
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McClasky (US 6,343,568). McClasky discloses a pole assembly comprising at least one tubular column (12L) having at least two longitudinally extending external tracks (62) integrally disposed therein, each of said external tracks having a respective groove (g) adjacent thereto, said respective groove (g) being disposed within the interior of said column, and at least one of said items being an arm (48, 24) passing through the interior of said column by a hole (50) in said column, said arm being fixedly engaged with at least one of said grooves (g) to at a location opposite said hole (50), (annotated Figure 5).



McClasky (US 6,343,568)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krikorian (US 3,519,292) in view of McClasky (US 6,343,568).

Regarding claim 1, Krikorian discloses a pole assembly for supporting at least one item, the pole assembly comprising at least one tubular column (10); at least one of said items being an arm (24) passing through the interior of said column by a hole (18) in said column, said arm being fixedly engaged at a location (16) opposite said hole (18), (Figures 1 and 2).

Krikorian does not disclose the tubular column having at least two longitudinally extending external tracks integrally disposed therein, each of said external tracks having a groove adjacent thereto, said respective groove being disposed within the interior of said column, and the arm being fixedly engaged with at least one of said grooves. However, McClasky discloses a tubular column (12L) having at least two longitudinally extending external tracks (62) integrally disposed therein, each of said external tracks having a groove (g) adjacent thereto, said respective groove being disposed within the interior of said column, (annotated Figure 5). McClasky also teaches an item (48, 24) passing through the interior of said column by a hole (50) in said column, said arm being fixedly engaged with at least one of said grooves (g) to at a location opposite said hole (50), (annotated Figure 5). The modified pole assembly of Krikorian and McClasky would have the arm being fixedly engaged with at least one of said grooves at a location opposite said hole. Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of

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Krikorian to have external tracks as taught by McClasky in order to provide a stronger resistance to rotation of the pole.

Regarding claim 4, Krikorian modified by McClasky discloses as discussed above including a round tubular column. Krikorian does not disclose a round tubular section telescopically extending from said column.

However, McClasky also discloses a tubular section (12L') telescopically extending from said column (12L), (Figures 1, 5). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian to have a section telescopically extending as taught by McClasky in order to provide a pole assembly with an adjustable height.

However, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have a round tubular section since such a modification would have involved a mere change in the shape of the component. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)

Regarding claim 5, Krikorian modified by McClasky discloses as discussed above. McClasky also teaches a tubular section (12L') having at least one internal track (62'), (Figure 5).

Regarding claim 10, Krikorian modified by McClasky discloses as discussed above, McClasky also teaches a tubular section (12U) projecting from the upper end of said column (2L), (Figure 5).

Regarding claim 11, Krikorian modified by McClasky discloses as discussed above, McClasky also teaches said tubular section (12L') projecting from the lower end of said column (2L), (Figure 5).

1. Claims 3, 7-9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krikorian (US 3,519,292) in view of McClasky (US 6,343,568) and further in view of Kim (US 6,550,731).

Regarding claim 3, Krikorian modified by McClasky discloses as discussed above but does not disclose a reinforcing sleeve being internally fitted along at least a portion of said tubular column. However, Kim discloses a reinforcing sleeve (7) being internally fitted along at least a portion of said tubular column (10), (Figures 2, 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian and McClasky to include a reinforcing sleeve as taught by Kim in order to provide a connector element that would allowed for receiving a pole cap.

Regarding claim 7, Krikorian modified by McClasky discloses as discussed above but does not disclose a deformable clamp block is adapted to interconnect said at least one item to said column and said deformable clamp block engages with at least one of said external tracks of said column. However, Kim discloses a deformable clamp block (3) is adapted to interconnect at least one item (30) to said column (10) and said deformable clamp block engages with at least one of said external tracks (2) of said column, (Figures 2, 3). Therefore, it would have been obvious to a person having

ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian and McClasky to include a deformable clamp block as taught by Kim in order to provide a stronger connection between the arm and the column.

Regarding claim 8, Krikorian modified by McClasky and Kim discloses as discussed above but does not disclose said deformable clamp block is adapted to be relatively movable with respect to said column to allow an angular adjustment of said at least one item relative to the longitudinal axis of said column. However, Kim also discloses said deformable clamp block (3) is adapted to be relatively movable with respect to said column (10) to allow an angular adjustment of said at least one item (30) relative to the longitudinal axis of said column, (Figures 2, 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian and McClasky to include a deformable clamp that is movable as taught by Kim in order to provide the option of positioning the arm at different locations as needed.

Regarding claim 9, Krikorian modified by McClasky discloses as discussed above but does not disclose said pole assembly further comprises a ventilated pole cap. However, Kim discloses said pole assembly further comprises a ventilated pole cap (9), (Figure 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian and McClasky to include a pole cap as taught by Kim in order to provide a cover to the pole assembly.

Regarding claim 16, Krikorian modified by McClasky discloses as discussed above but does not disclose said at least one item is a sign, a streetlight, traffic signal, pedestrian signal, security camera or banner. However, Kim discloses said at least one item (30) is a sign, (Figure 3), (Column 2, Lines 48-49). Kim does not disclose a streetlight, traffic signal, pedestrian signal, security camera or banner. However, Kim's sign is considered to be an obvious variation of a streetlight, traffic signal, pedestrian signal, security camera or banner and vice-versa. Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian and McClasky to include a sign as taught by Kim in order to allow the pole assembly to have a sign of directions.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krikorian (US 3,519,292) in view of McClasky (US 6,343,568) and further in view of Kim (US 6,898,882). Krikorian modified by McClasky discloses as discussed above but does not disclose the pole assembly having at least one fluted cladding member secured to said column by at least two circular collars. However, Kim discloses a pole assembly having at least one fluted cladding member (20) secured to said column (10) by at least two circular collars (21, 25), (Figure 5). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian and McClasky to include a fluted cladding member as taught by Kim in order to provide a protection to the pole from damage and breakage due to collision with automobiles.

4. Claims 12 -14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krikorian (US 3,519,292) in view of McClasky (US 6,343,568) and further in view of Lurkis (US 3,343,322).

Regarding claims 12 and 13, Krikorian modified by McClasky discloses as discussed above, but does not disclose said round tubular section is connected to a base member that is fully mounted within a drainage pit. However, Lurkis teaches a round tubular section (13) that is connected to a base member (21, 22), and is fully mounted within a drainage pit (10), (Figure 2). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian and McClasky to have a base member that is fully mounted within a drainage pit as taught by Lurkis in order to provide an easy to assemble support for the pole.

Regarding claim 14, Krikorian modified by McClasky and Lurkis discloses as discussed above, Lurkis also teaches said pit (10) is covered by a lid (14) and at least two jacking screws (31) are located in said drainage pit, (Figures 1, 2). The phrase "for adjustment of the height of said lid relative to surrounding ground level" is considered intended use and is given no patentable weight.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krikorian (US 3,519,292) in view of McClasky (US 6,343,568), Lurkis (US 3,343,322) and further in view of Kim (US 6,898,882). Krikorian modified by McClasky and Lurkis discloses as

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discussed above, but does not disclose at least one fluted cladding member that is secured to said column by at least an upper circular collar and a lower circular collar, and the bottom of said lower circular collar is seated on a ridge disposed on said lid.

However, Kim teaches at least one fluted cladding member (20) that is secured to said column (10) by at least an upper circular collar (25) and a lower circular collar (21), (Figures 2, 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian, McClasky and Lurkis to include a fluted cladding member as taught by Kim in order to provide a cover that would protect the post from damage due to collision with automobiles.

Lurkis also discloses a ridge (20) disposed on said lid (14), (Figure 1). The modified pole assembly of Krikorian, McClasky, Lurkis and Kim would have the bottom of said lower circular collar seated on a ridge (20) disposed on said lid (14).

Response to Arguments

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Venegas Jr. (US 5,364,077) and Parisien (US 5,611,523) teach

a tubular member supporting an arm passing through the interior of the tubular member by a hole and being fixedly engaged at a location opposite the hole.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adriana Figueroa whose telephone number is 571-272-8281. The examiner can normally be reached on Monday-Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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09/29/2007

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